IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION NO. 4:08-CR-74-BO

ALTON DEWAYNE STARKIE,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the Court on petitioner's motion for discovery and motion for indigent petitioner to receive court documents without payment [DE 31]. For the reasons stated herein, petitioner's motion is DENIED.

BACKGROUND

On May 4, 2009, petitioner pled guilty, with the benefit of a plea agreement, to one count of conspiracy to possess with the intent to distribute and distribution of more than 50 grams of cocaine base (crack). [DE 19]. On July 29, 2009, the Court sentenced petitioner to 144 months' imprisonment and 5 years' supervised release. [DE 26]. Petitioner did not appeal the judgment. On June 5, 2014 petitioner filed a motion requesting copies of the transcripts in his case without payment of fees. [DE 31]. In the same motion petitioner asked for a "motion of discovery." The government opposes the motion. [DE 33].

DISCUSSION

"[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, *4 (E.D.N.C. Jul. 17, 2013); *Jones v. Superintendant, Va. State Farm*, 460 F.2d 150, 152–53 (4th Cir. 1972).

An indigent is not entitled to a transcript at government expense in order to "merely [] comb the

record in the hope of discovering some flaw." United States v. Glass, 317 F.2d 200, 202 (4th Cir.

1963). Here, petitioner has not provided any justification at all to receive the requested

documents at government expense. He has not made a showing of what he believes appears in

the documents he requests and appears to merely seek to "comb the record" in search of

"possible errors." Further, petitioner appears to seek an additional copy of the discovery that was

previously provided to him in 2009. Petitioner has failed to demonstrate that he does not already

have access to previously provided discovery and has not demonstrated a need for an additional

copy of the discovery. Accordingly, his motion is denied at this time. Petitioner is entitled to

obtain the documents he seeks at his own expense, but not at the government's.

CONCLUSION

For the foregoing reasons, petitioner's motion is DENIED.

SO ORDERED.

This the **3** day of June, 2014.

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE